
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DENISE ROBINSON,

Plaintiff,

v.

TAD MECHAM, et al.,

Defendants.

MEMORANDUM DECISION AND ORDER
DENYING MOTION TO STRIKE

Case No. 2:15-cv-738 CW

District Judge Clark Waddoups

Magistrate Judge Brooke Wells

This matter is referred to the undersigned from Judge Clark Waddoups in accordance with [28 U.S.C. 636](#) (b)(1)(B).¹ Pending before the court is Plaintiff's Motion to Strike Defendants' Reply made in support of Defendants' motion to dismiss.² Plaintiff argues the reply should be stricken because 1) Defendants raise new arguments for the first time in their reply; and 2) "Defendants cite to a case which Plaintiff has not had an opportunity to address."³

The court disagrees with Plaintiff's arguments and finds that Defendants' reply does not violate Local Rule 7-1(b)(2)(A) that limits a reply memoranda to "rebuttal of matters raised in the memorandum opposing the motion."⁴ While it is true that the court does not generally "review issues raised for the first time in a reply brief, [the court] make[s] an exception when the new issue argued in the reply brief is offered in response to an argument raised in the [plaintiff's]

¹ Docket no. 8.

² [Docket no. 25](#).

³ Mtn. p. 1.

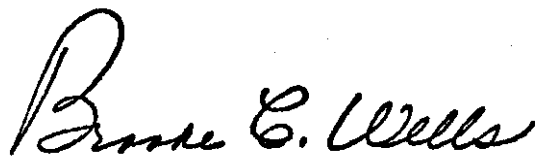
⁴ DUCivR. 7-1(b)(2)(A) (2015).

brief.”⁵ Here, the arguments made by Defendants in their reply brief are offered in response to Plaintiff’s opposition memorandum. The court therefore will deny Plaintiff’s motion.⁶

ORDER

Plaintiff’s Motion to Strike Defendants’ Reply made in support of Defendants’ motion to dismiss is DENIED.⁷

DATED this 15 July 2016.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first letter "B" is large and loops around the first part of the name. The signature is positioned above a horizontal line.

Brooke C. Wells
United States Magistrate Judge

⁵ [Beaudry v. Corr. Corp. of Am.](#), 331 F.3d 1164, 1166 n.3 (10th Cir. 2002) (internal quotation marks and citation omitted).

⁶ See [In re Gold Res. Corp. Sec. Litig.](#), 776 F.3d 1103, 1119 (10th Cir. 2015) (affirming district court decision to deny motion to strike reply memorandum because the arguments made in the reply were made in response to the opposition memorandum).

⁷ [Docket no. 25](#).